

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER


Enclosed please find the following documents regarding the above-referenced matter

1. Response to Examiner's Supplemental Answer (3 pp.);
2. Return postcard.

Please charge any fees that may be required or credit any overpayments to our Deposit Account
No. 03-1721.

Respectfully submitted,
CHOATE, HALL & STEWART LLP

March 9, 2005


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March 9, 2005 Kathy Hart Gage
Date Signature

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ATTORNEY DOCKET NO.: 2002832-0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sosin	Examiner:	Blau
Serial No.:	09/248,515	Art Unit:	3711
Filing Date:	February 8, 1999		
Title:	GOLF CLUB AND METHOD OF DESIGN		

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Sir:

RESPONSE TO EXAMINER'S SUPPLEMENTAL ANSWER

This paper is being filed in response to the Examiner's Supplemental Answer that was mailed on January 25, 2005. The deadline for filing a response is March 25, 2005. The filing of this response on March 9, 2005 is therefore timely.

Remarks being on page 2 of this paper.

REMARKS

Appellant is puzzled by the Examiner's Supplemental Answer. The Examiner's only argument is premised on the statement that "even if figure 2 of Thompson discloses a club in a de-lofted state, the angle alpha in figure 4 is still a single designed (sic) loft". Appellant respectfully submits that this statement is flawed in at least two respects.

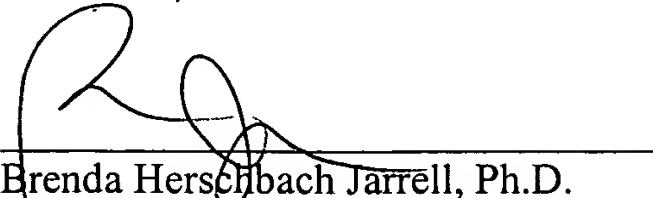
First, it demonstrates a complete misunderstanding of what "delofting" means and how it relates to design loft. Indeed, *by definition*, when a club is "delofted", the angle between the face of the club and the vertical plane (e.g., angle alpha in Figure 4) will always be *smaller* than the design loft of the club. This is explained at great length in the present application and is well understood in the art (e.g., see pages 2-5 and the Figures). Thus, if Figures 2 and 4 depict a delofted club then angle alpha cannot equal the design loft.

Second, the Examiner's statement does not address the arguments that were made on pages 2-3 of the Reply Brief, in fact it ignores them completely. Indeed, as discussed in the Reply Brief, Thompson *explicitly* teaches that Figure 4 represents "an iron known as a *wedge* for which the angle alpha is between about 30 and 40 degrees from vertical" (*emphasis added*, column 2, lines 14-16). Thus, if angle alpha in Figure 4 is the design loft for the depicted *wedge* (as the Examiner would have it) then one would logically expect *wedges* to have design lofts that range from 30 to 40 degrees. However, as explained and supported by Exhibits in the Reply Brief, it is well known in the art that *wedges* have design lofts that range from about 45 degrees (for pitching wedges) to about 64 degrees (for lob wedges). The design lofts of wedges are always in this range. Based on these undisputed facts, it is clear that angle alpha in Figure 4 (i.e., 30-40 degrees) *cannot* be the design loft for the depicted wedges (i.e., 45-64 degrees). Instead, it must be that Figure 4 shows a wedge (with a design loft in the range of 45-64 degrees) that has been tipped forward so that its keel rests flatly on the horizontal surface. This explains why the angle alpha is smaller than the design loft of wedges.

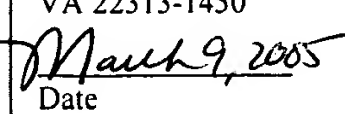
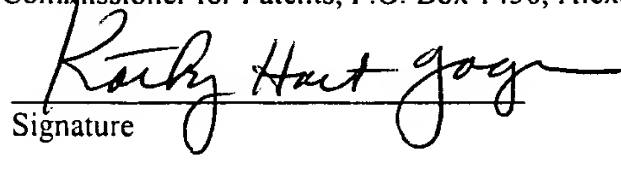
As reiterated in the Supplemental Answer, the Examiner's whole argument is premised on the erroneous assumption that angle alpha in Figure 4 is the design loft. For the reasons presented here and in the Appeal and Reply Briefs this argument must fail. The Examiner's rejections should be reversed.

March 9, 2005

Respectfully submitted,
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